

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 3:10-CR-00308-P
	§	
MICHAEL MUSACCHIO (1)	§	

GOVERNMENT'S AMENDED EXHIBIT LIST

The government submits the following list of exhibits in the above referenced case. The government reserves the right to amend or supplement the list prior to trial.

NO.	EXHIBIT DESCRIPTION	COMMENT	O	A
1	Diagram of Exel management structure Pre Sept. 18, 2004			
2	Diagram of Exel management structure Post Oct. 27, 2005			
3	RESERVED FOR TIMELINE			
4	H-R record showing Musacchio employment agreement			
5	H-R record showing Musacchio separation agreement and general release			
6	9/30/04 email from Musacchio to List, Oppenheimer "Business Plan - Confidential Re Overt Act 3			
7	Email exchange between Musacchio and Brown obtained from Exel server Subject: ETS 12/21/04; Re Overt Act 4			
8	TTS Management Structure			

9	Stolen Email to Damman from Hadland in Damman's email account re Ex. 7; Re Overt Act 4	COMMENT	O	A
10	Email Exchange between Brown and Musacchio Re: "You will enjoy this...." 01/08/05; Re Overt Act 5			
11	Exel HR records of Payroll Employee Data, Signed Associate Understanding pertaining to Exel Code of Conduct, Exel Code of Ethics and Code of Conduct 2005, and Exel Code of Business Conduct April 1997			
12	Stolen Email exchange between Daniel Avramovich and Chris Stephens in Avramovich's email account re Ex. 10; Re Overt Act 5			
13	Email exchange between Vielhaber and Musacchio Re: "Next File;" discusses "covertness" of the operation; Re Overt Act 6			
14	Email exchange between Brown and Musacchio RE: "Latest...." 04/22/05; Re Overt Act 7			
15	Email exchange between Painter and Brown about Exel email policy, 8/26/2002			
16	Stolen Email exchange between Damman and Andrew Hadland in Damman's email account re Ex. 14; Re Overt Act 7			
17	Email exchange between Brown and Musacchio RE: "Agency Info" 08/23/05 with attachment; Re Overt Act 9			
18	Email exchange between Painter and Merrill on 10/25-26/2005 about Exel E-Mail Communications Policy			
19	Attachment "Agency Information.xls sent from Brown to Musacchio; Re Overt Act 9			

20	Email exchange between Brown and Musacchio RE: "Subject SWRU containers..." 08/29/05; Re Overt Act 10	COMMENT	O	A
21	Email exchange between Bill Reed and all ETS employees found in Damman's account re Ex. 20; Re Overt Act 10			
22	Email exchange between Brown and Musacchio RE: "Leading Edge 14" 09/01/05; Re Overt Act 11			
23	Email on 9/20/05 from Brown to Musacchio sending copy of stolen email from Damman email account and Attachment (See also Ex. 25); Re Overt Act 12			
24	Email from Damman's email account re Ex. 22; Re Overt Act 11			
25	Email exchange between Brown and Musacchio 09/20/05 re Ex. 23; Re Overt Act 12			
26	IIS log excerpt from Exel webserver (Ex. 178) re Overt Act 12			
27	Filtered excerpt from IXDOMACC server re Overt Act 12			
28	Stolen email from Damman's Exel email account re Overt Act 12			
29	Email exchange between Brown and Musacchio Re "Even more interesting" 09/20/05; Re Overt Act 13			
30	IIS log excerpt from Exel webserver (Ex. 178) (15:48 to 15:53 for total users); Re Overt Act 13			
31	IIS log Filtered Extract from Exel webserver for only Exchange Services Account from Brown's internal IP account; Re Overt Act 13			

32	Attachment to Ex. 29 re Exel "Phantom Stock Awards"; Re Overt Act 13	COMMENT	O	A
33	Email exchange 12-10-04 between Brown and Musacchio ("007")			
34	Email exchange between Brown and Musacchio "Subject: From Jim to Andrew" on 09/21/05 (Contains partial copy from Ex. 38); Overt Act 15			
35	Email from Brown's Bell South account to Musacchio at home, "Subject: More info!" 09-21-05; Re Overt Act 15			
36	IIS log excerpt from Exel webserver (Ex. 178) for IXDOMACC; Re Overt Act 15			
37	Filtered IIS log excerpt re Ex. 36 for IXDOMACC ; Re overt Act 15			
38	Stolen email from Damman's Exel email account re Ex. 34; Re Overt Act 15			
39	Email exchange between Brown and Musacchio Re: "Interesting reading...." 10/10/05; Re Overt Act 16, 17			
40	IIS log excerpt from Exel webserver (Ex. 178) re Ex. 41; Re Overt Act 16			
41	Stolen email between Damman and Merrill in Damman's email account re Ex.39; Re Overt Act 16, 17			
42	Filtered IIS log excerpt re Ex. 40, 41; Re Overt Act 16			
43	Email from Musacchio to Oppenheimer & List 1-7-05; Re overt Act 1			
44	Email from Musacchio to Oppenheimer on or about 8-31-05 with attached "Chronology Report to Attorneys for CIC"; Re Overt Acts 1 & 2			

45	Brown's email re Ex. 46. (First email in chain with attachments); Re Overt Act 18	COMMENT	O	A
46	Email exchange between Brown and Musacchio Re: "You will enjoy this ..." 10/14/05 (See Ex. 45 for attachments); Re Overt Act 18			
47	Stolen email from Damman's Exel email account re Ex. 45, 46; Re Overt Act 18			
48	Email exchange between Musacchio and Brown with the subject "FW: Follow Up" 10/14/05 Re Overt Act 19			
49	Email exchange between Brown and Musacchio with the subject "Re: From Dick to Jim" 10/26/05; Re Overt Act 20			
50	Filtered IIS log excerpt re Ex. 46; Re Overt Act 18			
51	Stolen email from Damman's email account re Ex. 49; Re Overt Act 20, 23			
52	Email exchange between Musacchio and Doug List with subject "RE: from Dick to Jim" sent 10/27/05; Re Overt Act 20, 23			
53	Email exchange between Brown and Musacchio, subject line "RE: Numbers," on 10/29/05; Re Overt Act 21			
54	Demonstrative exhibit for Overt Act 24; Re Overt Act 24			
55	Email exchange between Brown and Musacchio, subject: "How funny is this shit!" on 11/01/05; Re Overt Act 24			
56	IIS log excerpt from Exel webserver re Ex. 55 (same as filtered); Re Overt Act 24			

57	Stolen email from Damman's Exel email account re Ex. 55; subject "RE: Brad Young;" Overt Act 24	COMMENT	O	A
58	Email exchange between Musacchio and List, subject "RE: Rob Ebinger," on 11/21/05; Overt Act 31			
59	Email exchange between Brown and Musacchio, subject "RE: Edie, and other misc. gossip" 11/03/05; Re Overt Act 25			
60	IIS log filtered excerpt re Ex. 66; Re Overt Act 26			
61	Stolen Email exchange between Damman and Avramovich on 11/8/05, subject "Re: Kim Shipp," and exchange between Brown and Musacchio concerning the stolen email, subject: Talk between Jim and Dan;" Overt Act 27			
62	Stolen email exchange between Damman and Avramovich, 11/08/05, subject "Re: Kim Shipp;" sent by Brown to Musacchio, subject "Talk between Jim and Dan;" Overt Act 27			
63	Email from Brown to Musacchio on 11/7/05, subject: "From Jim to Dan/Andrew/Tony			
64	Email exchange between Brown and Musacchio, subject "RE: Fw: From Jim to Dan/Andrew/Tony" 11/07/05, sent by Musacchio to K. Shipp; Re Overt Act 26			
65	Stolen email from Damman's email account re Ex. 64; Re Overt Act 26			
66	IIS log excerpt from Exel webserver re Ex. 64 (see Ex. 60); Re Overt Act 26			
67	Email exchange between Brown and Musacchio 11/09/05 Re: "Talk between Jim and Dan" and forwarded to Sue Musacchio on 11/09/05; Re Overt Act 27			

68	IIS log excerpt from Exel webserver re Ex. 67 (see Ex. 67); Re Overt Act 27	COMMENT	O	A
69	Stolen email from Damman's email account re Ex. 67			
70	Filtered IIS log excerpt from Exel webserver re Ex. 67, 68; Re Overt Act 27			
71	Email exchange between Brown and Musacchio RE: "They have no idea!" Forwarded to S. Musacchio; Re Overt Act 28			
72	Filtered IIS log excerpt from Exel webserver (Ex. 178) re Ex. 71; Re Overt Act 28			
73	Stolen email from Damman's Exel email re Ex. 71; Re Overt Act 28			
74	IIS log excerpt from Exel webserver (Ex. 178) ; re Overt Act 28			
75	Storm's Edge Technologies Media Inventory April 17, 2012			
76	Alvares & Marsal Chain of Custody			
77	TTS Backup tapes			
78	14 CDs containing TTS mail merges			
79	Email exchange between Bowers and Musacchio with documents attached 11/20/04; Overt Act 30			
80	Email exchange between List and Musacchio Subject: Rob Ebinger12/14/05; Overt Act 31			
81	Email from Musacchio 11/06/05 to Condon, Brown Re: Rodney Noble Info.; Re Overt Act 33			
82	Email from Musacchio to Brown 12/27/05 pertaining to TTS Domain; Re Overt Act 33			
83	Email exchange between Brown and Musacchio RE: "ETS Email" 11/25/05; Re Overt Act 33/Count 2			

84	IIS log excerpt from Exel webserver for Overt Act 33/Count 2 (CD); Re Overt Act 33/Count 2	COMMENT	O	A
85	Filtered Excerpt of Exel IIS log re Ex. 84; Re Re Overt Act 33/Count 2			
86	Email from Musacchio to List 11/26/05 with attached Exel Memorandum; Re Overt Act 34			
87	Email reply from List to Musacchio email in Ex. 86 RE: "ETS Direction for Agents" 11/28/05; Re Overt Act 35			
88	Email from Brown to Musacchio 01/06/06 No subject line; Re Overt Act 36			
89	Email exchange between Brown and Musacchio RE: "BMW" 01/06/06; Re Overt Act 37			
90	Filtered IIS log excerpt from Exel webserver (Ex. 178) re Ex. 89; (See Ex. 123 for unfiltered extract); Re Overt Act 37			
91	Email from Musacchio to Brown and others RE: "Confidential Information"; Re Overt Act 38			
92	Brown signed TTS employment offer letter 10/21/05; Re Overt Act 39			
93	Kelly signed TTS employment offer letter 10/24/05			
94	Email from Brown to Musacchio RE: "ETS Email" 01/07/06 and Brown's reply; Re Overt Act 40			
95	Email between Kelly and Brown (duplicate of email in Ex 96 sourced from ASR image); Re Overt Act 41			
96	Email exchange between Brown and Kelly RE: "Web Portal Printing" 01/08/06; Re Overt Act 41			

97	Email from Brown to Musacchio RE: "Back door Success" 01/08/06; Re Overt Act 41	COMMENT	O	A
98	CD with excerpt of IIS logs from Exel webserver for Jan. 8, 2006, lines 1808-1853; Re Overt Act 41			
99	Filtered version of Ex. 98; Re Overt Act 41			
100	Email exchange between Brown and Musacchio RE: "LoadTech" 01/12/06; Re Overt Act 42			
101	Email exchange between Brown and Musacchio RE "Go hunting" 01/17/06; Re Overt Act 43			
102	Email from Brown to Musacchio RE:"Unbelievable email between Jim and Dickthey are paranoid! 01/17/06; Re Overt Act 44			
103	Excerpt from Exel webserver IIS log (Ex. 178) re Ex. 102; Re Overt Act 44			
104	Filtered excerpt from Exel webserver IIS log re Ex. 102, 103; Re Overt Act 44			
105	Stolen mail exchange between Damman and Merrill in Damman's email account dated 01/17/06 re Ex. 102; Re Overt Act 44			
106	Email Exchange between Brown and Musacchio RE: "Emails" 01-21-06; Re Overt Act 45			
107	Email exchange between Brown and Musacchio RE: "From Dick Merrill to an outside attorney"; Re Overt Act 46			
108	Excerpt of IIS log from Exel webserver (Ex. 178) re Ex. 107; Re Overt Act 46			
109	Filtered excerpt of IIS log from Exel webserver re Ex. 107, 108; Re Overt Act 46			

110	Email from Musacchio to Brown RE: "Delete" 01/21/06 (Re Ex. 108, 109); Re Overt Act 47	COMMENT	O	A
111	Email from Musacchio to Brown RE: "Deleting" 01/22/06 (Re: Ex. 106); Re Overt Act 45			
112	Email exchange between Musacchio and Brown RE: "Levi sent email info to Damman-DELETE AFTER READING"; Re Overt Act 48			
113	Exerpt of IIS log from Exel webserver re Ex. 112 on CD; Re Overt Act 48			
114	Filtered excerpt of IIS log from Exel webserver re Ex. 112, 113 on CD; Re Overt Act 48			
115	Email exchange between Musacchio and Brown "RE: Confidential-Pepsico/Frito Lay" 02/23/06 ; Re Overt Act 49			
116	Excerpt of IIS log from Exel webserver (Ex. 178) re Ex. 115; Re Overt Acts 49, 51, 52, 53, 54			
117	Stolen email from Damman's Exel email account copied and pasted in Ex. No. 115; Re Overt Act 49			
118	Email exchange between Brown and Musacchio RE: "Very interesting..." 02/23/06; Re Overt Act 50			
119	Filtered excerpt of IIS log from Exel webserver re Ex. 116; Re Overt Acts 49, 51, 52, 53, 54			
120	Stolen email from Damman email account re Ex. 118; Re overt Act 50			
121	Email exchange between Brown and Musacchio RE: "Long....but good" 02/23/06 ; Re Overt Act 51			

122	Stolen email from Damman email account re Ex. 121; Re Overt Act 51	COMMENT	O	A
123	CD of IIS log excerpt from Exel webserver (Ex. 178); (see filtered excerpt at Ex. 90; Re Overt Act 37			
124	Email exchange between Musacchio RE: "He sounds pist!" 02/23/06; Re Overt Act 52			
125	Stolen email from Damman email account re Ex. 124			
126-134	RESERVED			
135	Email exchange between Brown and Musacchio 02/23/06; Re Overt Act 53			
136	RESERVED			
137	Stolen email from Damman's email account re Ex. 135; Re Overt Act 53			
138	Email exchange between Brown and Musacchio 02/23/06; Re Overt Act 54			
139	Stolen email from Damman's email account re Ex. 138; Re Overt Act 54			
140	Email exchange between Brown and Musacchio RE: "Letter going to West Farm" 02/25/06; Re Overt Act 55			
141	IIS log excerpt and filter from Exel webserver; re Ex. 140; Re Overt Act 55			
142	RESERVED			
143	Stolen email from Damman's email account re Ex. 140 and attachment re West Farm			
144	Email exchange between Musacchio and Brown 02/26/06 No subject line; Re Overt Act 56			

145	IIS log excerpt and filtered excerpt from Exel webserver re Ex. 144; Re Overt Act 56	COMMENT	O	A
146	RESERVED			
147	Stolen email dated 2/25/06 from Damman email account re Ex.144; Re Overt Act 56			
148	Email exchange between Musacchio and Brown 03/07/06; Re Overt Act 57			
149	IIS log excerpt and filter excerpt from Exel webserver re Ex. 148; Re Overt Act 57			
150	Email exchange between Brown and Musacchio RE: "Remember to completely delete" 03/16/06; Re Overt Act 58			
151	IIS log excerpt and filtered excerpt from Exel webserver re Ex. 150; Re Overt Act 58			
152	RESERVED			
153	Email exchange between Musacchio and Brown RE: "Very long but very good information" 03/18/06; Re Overt Act 59			
154	CD of IIS log excerpt from Exel webserver re Ex. 153; Re Overt Act 59, 60			
155	Filtered IIS log excerpt from Exel webserver re Ex. 153, 154; ; Re Overt Act 59. 60			
156	Email exchange between Musacchio and Brown Re: "Dan is outa there!" 03/18/06; Re Overt Act 60			
157	RESERVED			
158	RESERVED			
159	Email exchange between Brown and Musacchio RE: "Load Tech" 03/24/06; Re Overt Act 61			

160	Email from Brown to Musacchio RE: "Load Tech" 03/24/06; Re Overt Act 61	COMMENT	O	A
161	Email from Brown to Musacchio RE: "Bad News" 03/24/06; Re Overt Act 61			
162	Email from Musacchio to Brown RE: "Bad News" 03/25/06; Re Overt Act 61			
163	RESERVED			
164	Admissions by Musacchio in Exel v. TTS			
165	Amended Admissions by Musacchio in Exel v. TTS			
166	TTS blackberry exchange server log on CD			
167	Comcast business records			
168	BellSouth business records for Brown email account (See demonstrative at Ex. 217)			
169	Hotmail business records re KLS0564@hotmail.com			
170	Demonstrative Extracts from Exel OWA logs (Ex. 176 - Ex. 179)			

171	<p>3 Photos of 2 “My Book” cardboard boxes and 2 My Books. The My Book drives contain 27 images of hard drives from Exel computers bearing NTRCFL labels DL048741 and DL048742. The My Books including but not limited to the following images of Exel computers:</p> <p>SB-1-31 Exel webmail server disc 1, pre TRO</p> <p>SB-1-32 Exel webmail server disc 2, pre TRO;</p> <p>SB-1-TG-1 Target drive for Exel webmail server disc1, post TRO;</p> <p>SB-1-TG-2 Target drive for Exel webmail server disc2, post TRO;</p> <p>SB-1-WSD-1 Webmail server disc 1, post TRO;</p> <p>SB-1-WSD-2 Webmail server disc 2, post TRO;</p> <p>SB-1-VPN Exel VPN server post TRO;</p> <p>2006-02-14-5 Damman pst file pre TRO</p>	COMMENT	O	A
172	NTRCFL hard drive DL048741			
173	NTRCFL hard drive DL04872			
174	Chain of Custody forms (37 pages) by G-C Partners for Exel images			
175	RESERVED			
176	CD with copy of Exel IIS Exchange OWA logs from Exel Webmail Server from Ex. 172 (1-1 Pre TRO)			
177	CD with copy of Exel IIS Exchange OWA logs from Exel Webmail server from Ex. 172 (1-2 Pre TRO)			
178	CD with copy of Exel IIS Exchange OWA logs from Exel Webmail server from Ex. 172 (1-3 Post TRO)			

		COMMENT	O	A
179	CD with copy of Exel IIS Exchange OWA logs from Exel Webmail server from Ex. 172 (1-4 Post TRO)			
180	CD with copy of logs from Exel Blade Servers			
181	CD with copy of logs from Exel DHCP server			
182	<p>Photos of hard drives containing images of TTS servers prepared by ASR Data: including but not limited to:</p> <p>box of hard drives; Mike M. Desktop server MDA01; Mike M. Optiplex server; Brown home machine; Mike Kelly laptop; Mike Kelly desktop no. 2; Mike Kelly home machine HPJKP01; ADM 1-4 , including: Front end RAID 5 and Back end RAID; EMC 1-4, Exchange 1-4 and FNP 1-4; Systems 1-4</p>			
183	hard drives with images, labelled Systems 1 of 4 thru Systems 4 of 4			
184	hard drives with images, labelled FNP 1 of 4 thru Systems 4 of 4			
185	hard drives with image, labelled Exchange 1 of 4 thru 4 of 4			
186	CD with copy of IIS Exchange OWA logs from TTS Exchange Front end RAID1. Excerpt from TTS IIS logs Ex. 184			
187	CD with copy of IIS Exchange OWA logs from TTS Exchange Back end RAID1. Excerpt from TTS IIS logs Ex. 184			

188	CD with copy of IIS Exchange OWA logs from TTS. Blade Servers. Excerpt from Ex. 185	COMMENT	O	A
189	ASR Data Chain of Custody records (30 pages)			
190	Gorgal Inventory			
191	Excerpt from Ex. 187 for Jan. 8, 2006 re Count 1, Overt Act 41,			
192	Excerpt from Ex. 187 for Jan. 9, 2006 re Count 1, Overt Act 41			
193	Excerpt from Ex. 187 for Jan. 22, 2006, Count 1, Ct. 3, Overt Act 46			
194-199	RESERVED			
200	Network diagrams of Exel computers			
201 - 203	RESERVED			
204	Static IP assignments internal to Exel for 12/18/05			
205	Notes from Richardson and Kelly conversations written by Kelly			
206	Cert., copy of order for ASR Data to image TTS computers			
207	Cert. Copy of Formation of Total Transportation LLC			
208	Cert. Copy of Ltd. Partnership of Total Transportation Services LP			
209	App. For Registration for Texas Ltd. Partnership Total Transportation Services LP dba Worldwide Transportation Services in Texas			

210-216	RESERVED	COMMENT	O	A
217	CD of Bell South records from Gov. Subpoena 4-12-10 (Ex. 168)			
218	Demonstrative Exhibit re Excerpt of Bell South records from Ex. 217			
219	Forensics timeline			
220	Demonstrative exhibit re Reliability of imaged computers			
221	Demonstrative exhibit re Data Sources Excerpt from Ex. 220			
222	BellSouth business records re Subscriber records for Brown for BellSouth (Re: Ex 217 and 168)			
223	Exel VPN log records			
224	Verizon bus. Records re UP addresses			

In addition, the government reserves the right to use in its case-in-chief, any exhibits identified on the defendants' exhibit lists.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2013, I electronically filed the foregoing document with the clerk for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to all attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means

/s/ Linda Groves
LINDA GROVES
Assistant United States Attorney